

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Antaurean Deshaad Jones,

Case No. 4:16 CV 1951

Petitioner,

v.

ORDER

S. Merlak, Warden,

Respondent.

Pro se petitioner Antaurean Deshaad Jones is a federal prisoner incarcerated in the Federal Correctional Institution in Elkton, Ohio. He has filed this habeas action pursuant to 28 U.S.C. § 2241.

“A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243. “Under this provision the District Court has a duty to screen out a habeas corpus petition which should be dismissed for lack of merit on its face.” *Allen v. Perini*, 424 F.2d 134, 141 (6th Cir. 1970). “No return is necessary when the petition is frivolous, or obviously lacking in merit, or where . . . the necessary facts can be determined from the petition itself without need for consideration of a return.” *Id.*

I will summarily dismiss the petition.

Jones challenges the enhanced sentence he received in *U.S. v. Jones*, Case No. 1:08CR20051 in the United States District Court for the Eastern District of Michigan. According to Jones, the government improperly obtained the enhancement on the basis of an “unripe” conviction.

But Jones has already litigated this claim in a prior motion to vacate under 28 U.S.C. § 2255.

District Judge Ludington denied that motion on statute-of-limitations grounds. *See* Doc. 23, *U.S. v. Jones*, Case No. 1:08CR20051 (E.D. Mich.). That was a decision on the merits, and Jones did not appeal.

Given that the Eastern District of Michigan entered a final judgment on the merits of the same claim that Jones seeks to raise here, the doctrine of claim preclusion bars Jones from relitigating that claim in this court. *Smith v. Reno*, 3 F. App’x 403 (6th Cir. 2001).

It is, therefore,

ORDERED THAT:

1. The petition (Doc. 1) is denied and this action is dismissed with prejudice; and
2. I certify, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and none shall be allowed without prepayment of the filing fee.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge